

~~CRITI~~ 00379 JF HRL

UNITED STATES DISTRICT COURT

FILED

NORTHERN DISTRICT OF CALIFORNIA

2011 JUN 16 A 8:03

San Jose Division

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NO. 07 SAN JOSE

THE UNITED STATES OF AMERICA

C

vs.

CHETAN SURESH BENDALE,
a/k/a Rohit Kumar,

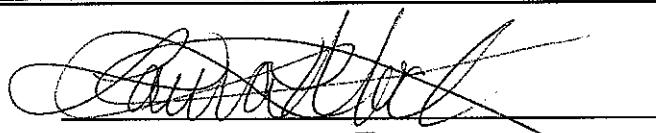
INDICTMENT

COUNT ONE: 18 U.S.C. §§ 1030(a)(2)(c) and (c)(2)(B)(I) - Obtaining Information from a Protected Computer;

COUNT TWO: 18 U.S.C. § 1030(a)(7)(B) - Threatening Damage to a Computer;

COUNT THREE: 18 U.S.C. § 875(d) - Foreign Communications with Intent to Extort

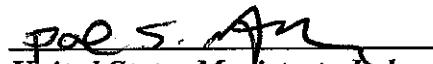
A true bill.



Foreperson

Filed in open court this 22nd day of June

A.D. 2011


United States Magistrate Judge

Bail. \$ No bail. Arrest warrant.

1 MELINDA HAAG (CABN 132612)
2 United States Attorney
3

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4 RICHARD W. WIEKING
5 CLERK, U.S. DISTRICT COURT
6 N.D. CALIFORNIA
7

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,

CRIM No. 00379

JF

12 Plaintiff,

13 v.

14 CHETAN SURESH BENDALE,
15 a/k/a Rohit Kumar,

16 Defendant.

17 }
18 } VIOLATIONS: 18 U.S.C. §§ 1030(a)(2)(C)
19 } and (c)(2)(B)(i) - Obtaining Information
20 } From a Protected Computer; 18 U.S.C. §
21 } 1030(a)(7)(B) - Threatening Damage to a
22 } Computer; 18 U.S.C. § 875(d) - Foreign
23 } Communications With Intent to Extort

24 SAN JOSE VENUE

HRL

19 INDICTMENT

20 The Grand Jury charges:

21 INTRODUCTORY ALLEGATIONS

22 At all times relevant to this Indictment:

23 1. oDesk Corporation (“oDesk”) was a company located in Redwood City,
24 California that provided an online marketplace and workplace for technology-related employers
25 and contractors. oDesk enabled businesses to find contractors to fit their unique needs while
26 minimizing costs by providing tools to hire, manage, and pay online workteams. It also assisted
27 prospective contractors in applying for jobs, tracking the amount of time worked, and
guaranteeing payment.

28 2. oDesk utilized a company called Mydomain.com to register over 70 domain

INDICTMENT

1 names, including the domain name “oDesk.com.” The company’s account at Mydomain.com
2 was protected by a password and security questions, and oDesk received account updates
3 from Mydomain.com via e-mail notification. Mydomain.com was a domain registration
4 company located in Vancouver, Washington.

5 3. A domain name is an identification label that defines a realm of administrative
6 autonomy, authority, or control in the Internet. Domain names are host names that identify
7 Internet Protocol resources such as websites. Domain names are formed by the rules and
8 procedures of the Domain Name System. Domain names are often referred to simply as domains
9 and domain name registrants are frequently referred to as domain owners, although domain name
10 registration with a registrar does not confer any legal ownership of the domain name, only an
11 exclusive right of use.

SCHEME TO EXTORT oDESK

13 4. Chetan Suresh Bendale (“the defendant”) devised a plan to extort oDesk by
14 obtaining control over oDesk’s domain account at Mydomain.com, and exerting such control
15 over the account as a means to obtain money from the company by threatening to sell and expose
16 its website information.

17 5. To accomplish his scheme, the defendant illegally and without authorization
18 accessed oDesk's account at Mydomain.com, which was maintained on computer servers located
19 in Vancouver, Washington, in order to change oDesk's registration details. The defendant then
20 blocked oDesk's access to its domain account by changing the account password and
21 administrative contact. Once he controlled oDesk's domain account, the defendant, from
22 approximately July 18, 2009, through August 8, 2009, used the alias "Rohit Kumar" to send
23 oDesk executives a series of threatening e-mails demanding that the company pay him one
24 million dollars or he would sell oDesk's information or release it on the Internet.

DEFENDANT'S THREATENING COMMUNICATIONS TO oDESK

26 6. On or about July 18, 2009, the defendant sent an e-mail to oDesk executive
27 "O.T." using the alias "Rohit Kumar" ("Kumar") and the e-mail address
28 rohit3kumar@hotmail.com. The defendant claimed to have hacked oDesk's servers and

1 demanded to be paid in exchange for information that would prevent future intrusions. To prove
2 that he accessed oDesk's domain account, he attached a list of all of the domain names that
3 oDesk registered with Mydomain.com.

4 7. On or about July 21, 2009, the defendant sent an e-mail to oDesk executive
5 "O.T.," again using the Kumar alias and e-mail address rohit3kumar@hotmail.com. He
6 threatened to sell oDesk's website information, and notify news media about the intrusion into
7 oDesk's domain account if he did not receive a response by July 25, 2009.

8 8. On or about July 23, 2009, the defendant sent an e-mail to oDesk executive
9 "R.A.," again using the Kumar alias and e-mail address rohit3kumar@hotmail.com. He
10 threatened to copy oDesk's website data and sell the information.

11 9. On or about July 26, 2009, the defendant sent an e-mail to oDesk executive
12 "R.A.," again using the Kumar alias and e-mail address rohit3kumar@hotmail.com. He
13 demanded one million dollars in exchange for not releasing oDesk's information or he would sell
14 the information to the highest bidder. He also invited oDesk to provide him with an amount of
15 money that the company would be willing to pay him for the information.

16 10. On or about July 28, 2009, the defendant sent oDesk executive "R.A." an e-mail,
17 again using the Kumar alias and e-mail address rohit3kumar@hotmail.com, stating that he was
18 still waiting for an answer to his demand for money. The defendant referenced the last four
19 digits of a credit card number belonging to oDesk executive "O.T."

20 11. On or about August 2, 2009, the defendant sent an e-mail to oDesk executive
21 "R.A.," again using the Kumar alias and e-mail address rohit3kumar@hotmail.com. He
22 complained about oDesk's lack of response to his demand for money, and threatened to sell
23 oDesk's website data and notify the news media if did not receive a response by August 5, 2009.

24 12. On or about August 8, 2009, oDesk executive "R.A." received the following e-
25 mail from the defendant, again using the Kumar alias and e-mail address
26 rohit3kumar@hotmail.com. He again complained that oDesk failed to respond to his e-mails,
27 and claimed that he had notified the news media about his intrusion into oDesk's account at
28 Mydomain.com.

COUNT ONE: (18 U.S.C. §§ 1030(a)(2)(C) and (c)(2)(B)(i) - Obtaining Information From a Protected Computer)

13. The factual allegations contained in Paragraphs One through Twelve above are realleged and incorporated herein as if set forth in full.

14. On or about July 15, 2009, in the Northern of California and elsewhere, the defendant,

CHETAN SURESH BENDALE,
a/k/a Rohit Kumar.

intentionally accessed a computer without authorization, and thereby obtained information from a protected computer for purposes of commercial and private financial again to wit: the defendant accessed oDesk's domain registration account at Mydomain.com, and obtained a list of oDesk's domains and credit card information belonging to oDesk executive "O.T."

All in violation of Title 18, United States Code, Sections 1030(a)(2)(C) and (c)(2)(B)(i).

COUNT TWO: (18 U.S.C. § 1030(a)(7)(B) - Threatening Damage to a Computer)

15. The factual allegations contained in Paragraphs One through Twelve above are realleged and incorporated herein as if set forth in full.

16. Between on or about July 15, 2009, and continuing to on or about August 8, 2009, in the Northern District of California and elsewhere, the defendant,

**CHETAN SURESH BENDALE,
a/k/a Rohit Kumar,**

21 with the intent to extort from any person any money or other thing of value, knowingly and
22 willfully transmitted in interstate and foreign commerce any communication containing any
23 threat to impair the confidentiality of information obtained from a protected computer without
24 authorization, to wit: the defendant sent oDesk executives a series of e-mails under the alias
25 Rohit Kumar demanding one million dollars or he would sell and expose oDesk's website data
26 and notify the news media about his intrusion into oDesk's domain registrar.

All in violation of Title 18, United States Code, Sections 1030(a)(7)(B).

11

COUNT THREE: (18 U.S.C. § 875(d) - Foreign Communications With Intent to Extort)

17. The factual allegations contained in Paragraphs One through Twelve above are realleged and incorporated herein as if set forth in full.

18. Between on or about July 15, 2009, and continuing to on or about August 8, 2009,
in the Northern District of California and elsewhere, the defendant,

CHETAN SURESH BENDALE,
a/k/a Rohit Kumar,

with the intent to extort from any person, firm, association, or corporation, any money or other thing of value, knowingly and willfully transmitted in interstate and foreign commerce any communication containing any threat to injure the property and reputation of the addressee, to wit: the defendant sent oDesk executives a series of e-mails under the alias Rohit Kumar demanding one million dollars or he would sell and expose oDesk's website data and notify the news media about his intrusion into oDesk's domain registrar.

All in violation of Title 18, United States Code, Section 875(d).

DATED: 6/15/2011

A TRUE BILL.

FOREPERSON

MELINDA HAAG
United States Attorney

MATTHEW A. PARRELLA
Chief, CHIP Unit

(Approved as to form:/

AUSA SUSAN KNIGHT

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

Count 1: 18 U.S.C. §§ 1030(a)(2)(c) and (c)(2)(B)(i)
 Count 2: 18 U.S.C. § 1030(a)(7)(B)
 Count 3: 18 U.S.C. § 875(d)

Petty
 Minor
 Misdemeanor
 Felony

PENALTY: Counts 1 and 2 - 5 years imprisonment, \$250,000 fine, 3 years supervised release, \$100 special assessment.

Count 3: 2 years imprisonment, \$250,000 fine, 1 year supervised release, \$100 special assessment.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

DEFENDANT - U.S.

RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 CHETAN SURESH BENDALE, a/k/a Rohit Kumar
 N.D. OF CALIFORNIA

DISTRICT COURT NUMBER

CR11 00379 HRL

DEFENDANT**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

Special Agent Melanie Adams, FBI

person is awaiting trial in another Federal or State Court,
 give name of court

this person/proceeding is transferred from another district
 per (circle one) FRCrP 20, 21, or 40. Show District

this is a reprocution of
 charges previously dismissed
 which were dismissed on motion
 of:

U.S. ATTORNEY DEFENSE

SHOW
DOCKET NO.

this prosecution relates to a
 pending case involving this same
 defendant

MAGISTRATE
CASE NO.

prior proceedings or appearance(s)
 before U.S. Magistrate regarding this
 defendant were recorded under

Name and Office of Person
 Furnishing Information on this form MELINDA HAGG

U.S. Attorney Other U.S. Agency

Name of Assistant U.S.
 Attorney (if assigned)

SUSAN F. KNIGHT

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

1) If not detained give date any prior
 summons was served on above charges →
 2) Is a Fugitive
 3) Is on Bail or Release from (show District)

IS IN CUSTODY

4) On this charge
 5) On another conviction } Federal State
 6) Awaiting trial on other charges
 If answer to (6) is "Yes", show name of institution

Has detainer Yes
 been filed? No } If "Yes"
 give date
 filed _____

DATE OF ARREST → Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY → Month/Day/Year

This report amends AO 257 previously submitted

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount: _____

If Summons, complete following:

Arraignment Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: _____ Before Judge: _____

Comments: